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Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Peru: draft resolution

Human rights and extreme poverty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Elimination of All Forms of Discrimination against Women,[3] the Convention on the Rights of the Child,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] the Convention on the Rights of Persons with Disabilities[6] and all other human rights instruments adopted by the United Nations,

Recalling its resolution 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and its resolution 62/205 of 19 December 2007, by which it proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), as well as its resolution 69/183 of 18 December 2014 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[4] Ibid., vol. 1577, No. 27531.
[5] Ibid., vol. 660, No. 9464.
[6] Ibid., vol. 2515, No. 44910.

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constituted a violation of human dignity and that urgent national and international action was therefore required to eliminate them,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the effective understanding, promotion and protection of all human rights,

Recalling further Human Rights Council resolutions 2/2 of 27 November 2006,[7] 7/27 of 28 March 2008,[8] 8/11 of 18 June 2008,[9] 12/19 of 2 October 2009,[10] 15/19 of 30 September 2010,[11] 17/13 of 17 June 2011[12] and 26/3 of 26 June 2014,[13]

Recalling Human Rights Council resolution 21/11 of 27 September 2012,[14] by which the Council adopted the guiding principles on extreme poverty and human rights[15] as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate,

Reaffirming its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, committed to working tirelessly for the full implementation of the Agenda by 2030, recognized that eradicating poverty in all its forms and dimensions, including extreme poverty, was the greatest global challenge and an indispensable requirement for sustainable development, and committed to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner,

Recalling that the Sustainable Development Goals and targets seek to build on the Millennium Development Goals and complete what those did not achieve, and that they seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls,

Reaffirming its resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development, supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

Concerned that, during the Second United Nations Decade for the Eradication of Poverty (2008-2017), while there has been progress in reducing poverty,

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[7] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. A.

[8] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II, sect. A.

[9] Ibid., chap. III, sect. A.

[10] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.

[11] Ibid., *Supplement No. 53A* (A/65/53/Add.1), chap. II.

[12] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.

[13] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[14] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. II.

[15] A/HRC/21/39.

especially in some middle-income countries, such progress has been uneven and the number of people living in poverty in some countries continues to increase, with women and children constituting the majority of those most affected, especially in the least developed countries and particularly in sub-Saharan Africa,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and its manifestations, such as social exclusion, hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, while acknowledging the significant progress made in several parts of the world in combating extreme poverty,

Deeply concerned also that gender inequality, violence and discrimination exacerbate extreme poverty, disproportionally impacting women and girls,

Stressing that special attention should be given to those who are living in extreme poverty and in vulnerable situations, in particular women, children, youth, older persons, persons with disabilities and indigenous peoples,

Concerned by the challenges faced today, including those derived from the ongoing impact of the financial and economic crisis, the food crisis, ongoing concerns over food security and the large movements of refugees and migrants, as well as the increasing challenges posed by climate change and the loss of biodiversity, and by the resulting increase in the number of people living in extreme poverty and their negative effect on the capacity of all States, especially developing countries, to fight extreme poverty,

Recognizing that the eradication of extreme poverty is a major challenge within the process of globalization that requires the coordination and continuation of inclusive policies through decisive national action and international cooperation,

Recognizing also that social protection systems make a critical contribution to the realization of human rights for all, in particular for those who are in vulnerable or marginalized situations and are trapped in poverty and subject to discrimination,

Recognizing further that persistent and growing inequalities within countries are a major challenge to poverty eradication, particularly affecting those who are living in extreme poverty and in vulnerable situations,

Stressing the necessity of better understanding and addressing the multidimensional causes and consequences of extreme poverty,

Reaffirming that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of all human rights and may, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

Stressing that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty,

Underlining the priority and urgency given by Heads of State and Government to the eradication of extreme poverty, as expressed in the outcomes of the major United Nations conferences and summits in the economic, social and related fields,

Reaffirming that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and that they contribute to the eradication of extreme poverty,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty and exclusion and that it is essential for people living in and affected by poverty and in situations of vulnerability to be empowered to organize themselves and to participate in all aspects of political, economic, social and cultural life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society, community-based social organizations and the United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

4. *Also emphasizes* the need to accord due consideration and priority to poverty eradication within the United Nations development agenda, while stressing the importance of addressing the causes and challenges of poverty through integrated, coordinated and coherent strategies at the national, intergovernmental and inter-agency levels, consistent with the outcomes of the major United Nations conferences and summits in the economic, social and related fields;

5. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

6. *Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

7. *Reaffirms* the commitments contained in the 2030 Agenda for Sustainable Development,[16] in particular the commitments to leave no one behind, to reach the furthest behind and the most vulnerable first and to achieve Sustainable Development Goal 1, including by sparing no effort to fight against and eradicate extreme poverty, which is currently measured as people living on less than $1.25 a day, for all people everywhere by 2030;

8. *Also reaffirms* the commitment made at the 2005 World Summit to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all, including women and girls;[17]

9. *Further reaffirms* that the objective of the Second United Nations Decade for the Eradication of Poverty (2008-2017) is to support, in an efficient and

[16] Resolution 70/1.

[17] See resolution 60/1.

coordinated manner, the follow-up to the implementation of the internationally agreed development goals relating to the eradication of poverty and to coordinate international support to that end;

10. *Recalls* that promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and that social protection systems that address and reduce inequality and social exclusion are essential for protecting the gains made towards the achievement of the Sustainable Development Goals, and in this regard takes note of Social Protection Floors Recommendation, 2012 (No. 202), of the International Labour Organization;

11. *Encourages* States, when designing, implementing, monitoring and evaluating social protection programmes, to ensure gender mainstreaming and the promotion and protection of all human rights in accordance with their obligations under international human rights law, throughout this process;

12. *Also encourages* States to take all necessary measures to eliminate discrimination against all persons, in particular those living in poverty, to refrain from adopting any laws, regulations or practices denying or limiting the enjoyment of all human rights and fundamental freedoms, including economic, social and cultural rights, and to ensure that people, in particular those living in poverty, have equal access to justice;

13. *Welcomes* the ongoing efforts to strengthen and support South-South cooperation and triangular cooperation, recognizing their contributions to the efforts of developing countries to collaborate in the eradication of poverty, and stresses that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation;

14. *Encourages* the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, including those derived from the ongoing impact of the financial and economic crisis, the food crisis, ongoing concerns over food security and the large movements of refugees and migrants, as well as the increasing challenges posed by climate change and the loss of biodiversity in all parts of the world, especially in developing countries, by enhancing cooperation to help to build national capacities;

15. *Reaffirms* the critical role of both formal and informal education in the achievement of poverty eradication and other development goals, as envisaged in the 2030 Agenda for Sustainable Development, in particular basic education and training for eradicating illiteracy, efforts towards expanded secondary and higher education as well as vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty, reaffirms in this context the Dakar Framework for Action, adopted at the World Education Forum on 28 April 2000,[18] and recognizes the importance of the United Nations Educational, Scientific and Cultural Organization strategy for the eradication of poverty, especially extreme

[18] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

poverty, in supporting the Education for All programmes as tools for achieving Sustainable Development Goal 4 by 2030;

16. *Invites* the United Nations High Commissioner for Human Rights to continue to give high priority to the question of the relationship between extreme poverty and human rights, and also invites his Office to pursue further work in this area;

17. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations, to continue to give appropriate attention to the links between human rights and extreme poverty, and encourages the private sector and international financial institutions to proceed likewise;

18. *Takes note with appreciation* of the guiding principles on extreme poverty and human rights,[15] adopted by the Human Rights Council in its resolution 21/11,[14] as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate;

19. *Encourages* Governments, relevant United Nations bodies, funds and programmes and the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations and non-State actors, including the private sector, to consider the guiding principles in the formulation and implementation of their policies and measures concerning persons affected by extreme poverty;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the guiding principles, as appropriate;

21. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the internationally agreed Sustainable Development Goals into their work;

22. *Also welcomes* the work undertaken by the Special Rapporteur of the Human Rights Council on extreme poverty and human rights, including his report submitted to the General Assembly at its seventieth session[19] and his report submitted to the General Assembly at its seventy-first session;[20]

23. *Decides* to consider the question further at its seventy-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" of the item entitled "Promotion and protection of human rights".

[19] A/70/274.
[20] A/71/367.

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Agenda item 68 (c)

Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 70/172 of 17 December 2015 and Council resolution 31/18 of 23 March 2016,[1] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Deeply concerned at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People's Republic of Korea,

[1] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

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Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[2] and expressing grave concern at the detailed findings contained therein,

Welcoming the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized and the holding of an open meeting of the Council on 10 December 2015, subsequent to the one held in 2014, during which the situation of human rights in the Democratic People's Republic of Korea was discussed,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

Taking note of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea,[3] regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 70/172,[4]

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights,[5] the Convention on the Rights of the Child[6] and the Convention on the Elimination of All Forms of Discrimination against Women,[7] and recalling the concluding observations of the treaty bodies under the four treaties and the importance of giving them consideration,

Noting the submission, in April 2016, by the Democratic People's Republic of Korea of its combined second, third and fourth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and of its combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child,

Noting with appreciation the signature of the Convention on the Rights of Persons with Disabilities[8] and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography[9] by the Democratic People's Republic of Korea, encouraging the Government of the Democratic People's Republic of Korea to expedite the passage

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[2] A/HRC/25/63.
[3] A/71/402.
[4] A/71/439.
[5] See resolution 2200 A (XXI), annex.
[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[7] Ibid., vol. 1249, No. 20378.
[8] Ibid., vol. 2515, No. 44910.
[9] Ibid., vol. 2171, No. 27531.

and enforcement of implementing legislation and the ratification of the Convention, and urging it to fully respect the rights of persons with disabilities and children,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review[10] and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund to improve the nutritional status of children and the quality of children's education,

Noting the activities undertaken by the United Nations Development Programme, on a modest scale, in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting also the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of aid programmes, noting further the letter of understanding signed by the Government and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators,

Taking note of the United Nations report entitled "Democratic People's Republic of Korea 2016: needs and priorities" and its call to address the critical humanitarian needs in the Democratic People's Republic of Korea,

Expressing grave concern about the impact of diverting resources to advance nuclear weapons and ballistic missiles programmes on the humanitarian and human rights situation of the citizens of the Democratic People's Republic of Korea,

Noting the importance of the immediate return of all international abductees, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues

[10] A/HRC/27/10.

related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Welcoming and further encouraging the efforts of Member States to raise international awareness about the human rights situation in the Democratic People's Republic of Korea,

Noting the importance of dialogue for the improvement of the human rights and humanitarian situation in the country,

Underlining the efforts of the Secretary-General to contribute to improving inter-Korean relations and promoting reconciliation and stability on the Korean Peninsula and the well-being of the Korean people,

Welcoming the resumption of the reunions of separated families across the border in October 2015, and, given that this is an urgent humanitarian concern of the entire Korean people, owing, in particular, to the advanced age of many members of the separated families, hoping that necessary arrangements for confirming the fate of family members, exchanging letters, visiting their hometowns and holding further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

1. *Condemns* the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea, including those which the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013,[1] has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report,[2] such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions, including forced labour, and where alarming violations of human rights are perpetrated;

(iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad,

[1] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[11] and the 1967 Protocol thereto[12] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions, offline and online, on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the unlawful and arbitrary surveillance, persecution, torture, imprisonment and, in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities and the elderly;

(vii) Violations of the human rights and fundamental freedoms of women, in particular the creation of internal conditions that force women to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women to gender-based discrimination, including in the political and social spheres, forced abortions and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps

[11] United Nations, *Treaty Series*, vol. 189, No. 2545.
[12] Ibid., vol. 606, No. 8791.

and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations of the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[5] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child,[6] as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

(xi) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to extend an invitation to the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to the Special Rapporteur and other United Nations special procedures in accordance with their terms of reference, as well as to other United Nations human rights mechanisms;

(c) The continued lack of acknowledgement by the Government of the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to implement the recommendations contained in the outcome of its first universal periodic review[14] and to give consideration to the concluding observations of the treaty bodies;

3. *Underscores its very serious concern* at the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to adequate food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant and lactating women, children, persons with disabilities, the elderly and political prisoners, and urges the Government of the Democratic People's Republic

[14] A/HRC/13/13.

of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

5. *Welcomes* the appointment of the new Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, commends the activities undertaken by the former Special Rapporteur, despite the denial of access to the Democratic People's Republic of Korea, and in this regard welcomes the final report submitted to the Human Rights Council by the former Special Rapporteur, pursuant to Council resolution 28/22 of 27 March 2015,[17] in which he called on the international community to take steps to promote accountability;[18]

6. *Reiterates its appreciation* for the work of the commission of inquiry, recognizes the continuing importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country;

7. *Acknowledges* the commission's finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership;

8. *Expresses its concern* at the failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity, and encourages the international community to cooperate with accountability efforts and to ensure that such crimes do not remain unpunished;

9. *Encourages* the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;

10. *Also encourages* the Security Council to continue to discuss the situation in the Democratic People's Republic of Korea, including the country's human rights record, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter;

11. *Encourages* the continuing endeavours of the Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul, and welcomes its regular reporting to the Human Rights Council;

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[17] See *Official Records of the General Assembly, Seventieth Session, Supplement No. 53* (A/70/53), chap. III, sect. A.

[18] A/HRC/31/70 and Corr.1.

12. *Calls upon* Member States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, has sufficient resources and support to fulfil its mandate, enjoys full cooperation with relevant Member States and is not subjected to any reprisals or threats;

13. *Welcomes* the establishment of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea, as set out by the Human Rights Council in its resolution 31/18;[1]

14. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To immediately close the political prison camps and to release all political prisoners unconditionally and without any delay;

(c) To protect its inhabitants, address the issue of impunity and ensure that those responsible for crimes involving violations of human rights are brought to justice before an independent judiciary;

(d) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees through migrant smuggling, trafficking in human beings and extortion, while not criminalizing the victims of trafficking;

(e) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(f) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other special procedures of the Human Rights Council as well as to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(g) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and his Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country;

(h) To implement the accepted recommendations stemming from the universal periodic review and to consider positively those recommendations which are still under consideration, as well as the preparation of a midterm implementation report;

(i) To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and consider ratifying all the relevant conventions;

(j) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(k) To ensure full, safe and unhindered access to humanitarian aid, as well as to critical data, and take measures to allow humanitarian agencies to secure the impartial delivery of such aid to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, to ensure access to adequate food and implement more effective food security and nutrition policies, including through sustainable agriculture, sound food production and distribution measures and the allocation of more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(l) To further improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including progress towards the achievement of the Sustainable Development Goals;

(m) To consider ratifying and acceding to the remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies, to resume reporting to monitoring bodies on treaties to which it is a party, to participate meaningfully in treaty body reviews, and to give consideration to the concluding observations of such bodies in order to improve the human rights situation in the country;

15. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry without delay;

16. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the High Commissioner, the United Nations Secretariat, relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

17. *Encourages* the United Nations system as a whole to continue to address the grave human rights situation in the Democratic People's Republic of Korea in a coordinated and unified manner;

18. *Encourages* the relevant United Nations programmes, funds, specialized agencies and other related organizations to assist the Government of the Democratic People's Republic of Korea in the implementation of recommendations stemming from the universal periodic review and from the report of the commission of inquiry;

19. *Calls upon* the Democratic People's Republic of Korea to continue to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate

access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority;

20. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventy-second session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry.

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Bahrain, Canada, France, Jordan, Kuwait, Micronesia (Federated States of), Morocco, Palau, Qatar, Saudi Arabia, Senegal, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Syrian Arab Republic

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 18 December 2013, 69/189 of 18 December 2014 and 70/234 of 23 December 2015, Human Rights Council resolutions S-16/1 of 29 April 2011,[3] S-17/1 of 23 August 2011,[4] S-18/1 of 2 December 2011,[4] 19/1 of 1 March 2012,[5] 19/22 of 23 March 2012,[5] S-19/1 of 1 June 2012,[6] 20/22 of 6 July 2012,[7] 21/26 of

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.
[4] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.
[5] Ibid., *Sixty-seventh session, Supplement No. 53* and corrigendum (A/67/53 and corr.1), chap. III, sect. A.
[6] Ibid., chap. V.

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28 September 2012,[8] 22/24 of 22 March 2013,[9] 23/1 of 29 May 2013,[10] 23/26 of 14 June 2013,[11] 24/22 of 27 September 2013,[12] 25/23 of 28 March 2014,[13] 26/23 of 27 June 2014,[14] 27/16 of 25 September 2014,[15] 28/20 of 27 March 2015,[16] 29/16 of 2 July 2015,[17] 30/10 of 1 October 2015, 31/17 of 21 March 2016,[18] 32/25 of 1 July 2016[19] and 33/23 of 6 October 2016, and S-25/1 of 21 October 2016 and Security Council resolutions 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015, 2235 (2015) of 7 August 2015, 2258 (2015) of 22 December 2015, 2268 (2016) of 26 February 2016 and 2286 (2016) of 3 May 2016, and the statements by the President of the Council of 3 August 2011,[20] 2 October 2013[20] and 17 August 2015,[21]

Condemning the grave deterioration of the human rights situation and the indiscriminate killing and deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Noting with deep concern the culture of impunity for serious violations of international humanitarian law and violations and abuses of human rights law committed during the present conflict, which has provided a fertile ground for further violations and abuses,

Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups, including so-called Islamic State in Iraq and the Levant ISIL-Da'esh,

Expressing outrage at the continuing escalation of violence in the Syrian Arab Republic, which has caused more than 400,000 fatalities, including the killing of many more than 15,000 children, and in particular at the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including those involving the continued

[7] Ibid., chap. IV, sect. A.
[8] Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.
[9] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.
[10] Ibid., chap. V, sect. A.
[11] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.
[12] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.
[13] Ibid., chap. V, sect. A.
[14] Ibid., *Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.
[15] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. II.
[16] Ibid., chap. V, sect. A.
[17] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.
[18] Ibid., chap. IV, sect. A.
[19] S/PRST/2011/16; see *Resolutions and Decisions of the Security Council, 1 August 2011-31 July 2012* (S/INF/67).
[20] S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013-31 July 2014* (S/INF/69).
[21] S/PRST/2015/15.

indiscriminate use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles, bunker-busting bombs, cluster munitions and barrel and vacuum bombs, and by the starvation of civilians as a method of warfare and the use of chlorine gas, which are prohibited under international humanitarian law, by the Syrian authorities against the Syrian population,

Expressing outrage and grave concern at the escalation in violence in eastern Aleppo as a result of the recent offensive by the Syrian authorities and their allies, which has caused hundreds of civilian casualties, including rescue workers, first responders, women and more than 100 children and nearly 2,000 injured and has included repeated attacks against medical facilities, medical personnel and patients and on critical civilian infrastructure,

Recalling the specific obligations under international humanitarian law to respect and protect, in situations of armed conflict, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, and hospitals and other medical facilities, and to ensure that the wounded and sick receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required, and also recalling that, under international law, attacks intentionally directed against hospitals and places where the sick and wounded are collected, provided that they are not military objectives, as well as attacks intentionally directed against buildings, material, medical units and transport and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law are war crimes,

Expressing grave concern at the disproportionate use of force by the Syrian authorities against civilians, which has caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the failure of the Syrian authorities to protect its population and to implement the relevant resolutions and decisions of United Nations bodies,

Expressing grave concern also at the spread of extremism and extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL-Da'esh, Al-Nusrah Front and militias fighting on behalf of the regime, Al-Qaida-affiliated terrorist groups and other extremist groups,

Expressing its deepest concern about the findings of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism that the Syrian Arab Armed Forces were responsible for the use of chemical weapons in at least three attacks and so-called ISIL-Da'esh was responsible for one attack, reaffirming the principles of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,[22] and the determination of the States parties to the Convention "for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention", and noting that the Convention entered into force in the Syrian Arab Republic on 14 October 2013,

[22] United Nations, *Treaty Series*, vol. 1974, No. 33757.

Expressing support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, and strongly condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Noting with serious concern the observation of the Commission of Inquiry that, since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy,

Strongly condemning the widespread practice of enforced disappearance, arbitrary detention and the use of sexual and gender-based violence and torture in detention centres referred to in the reports of the Commission of Inquiry, including, but not limited to, Branch 215, Branch 227, Branch 235, Branch 251, Air Force Intelligence Investigation Branch at Mezzeh military airport, and Sednaya prison, as well as military hospitals, including Tishreen and Harasta hospitals,

Recalling the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the International Criminal Court, and regretting that a draft resolution[23] was not adopted notwithstanding broad support from Member States,

Expressing its deepest concern about the findings of the Commission of Inquiry and also the allegations contained in the evidence presented by "Caesar" in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Expressing concern that the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015) of 18 December 2015, 2258 (2015), 2268 (2016) and 2286 (2016) remains largely unfulfilled, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and rapid, unimpeded and sustained humanitarian access,

Recalling its commitment to Security Council resolutions 2170 (2014), 2178 (2014) and 2253 (2015),

Alarmed that more than 4.8 million refugees, including more than 3.6 million women and children, have been forced to flee the Syrian Arab Republic and that 13.5 million people in the Syrian Arab Republic, of whom 6.1 million are internally displaced, require urgent humanitarian assistance, which has resulted in an influx of Syrian refugees into neighbouring countries, other countries in the region and beyond, and alarmed at the risk the situation presents to regional and international stability,

Expressing its profound indignation at the death of many more than 15,000 children and the many more injured since the beginning of the peaceful protests in March 2011, and at all grave violations and abuses committed against children in

[23] S/2014/348.

contravention of applicable international law, such as their recruitment and use, killing and maiming, rape, kidnapping and abductions and attacks on schools and hospitals, as well as their arbitrary arrest, detention, torture, ill-treatment and their use as human shields,

Expressing its deep appreciation for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrians, while acknowledging the increasing financial, socioeconomic and political impact of the presence of large-scale refugee and displaced populations in those countries, notably in Lebanon, Jordan, Turkey, Iraq, Egypt and Libya,

Welcoming the hosting by the Government of Kuwait of the First, Second and Third International Humanitarian Pledging Conferences for Syria, held on 30 January 2013, 15 January 2014 and 31 March 2015, and expressing its deep appreciation for the significant pledges of humanitarian assistance that have been made, also welcoming the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway, Kuwait and the United Nations, which co-hosted the London conference on supporting the Syrian Arab Republic and the region on 4 February 2016, and renewing its call upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to disburse all previous pledges,

Welcoming also the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the final communiqué of the Action Group for Syria of 30 June 2012,[24] and consistent with Security Council resolution 2254 (2015),

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to protection of the civilian population and the full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance, in accordance with the final communiqué[24] and consistent with Security Council resolutions 2254 (2015) and 2258 (2015), urging the Special Envoy to pave the way for the negotiation of a genuine political transition, demanding a restoration of the cessation of hostilities and that all parties to the cessation of hostilities in the Syrian Arab Republic respect their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence to ensure respect for those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

1. *Strongly condemns* the recent escalation of attacks directed against civilians in Aleppo and other besieged and hard-to-reach areas, and demands that the humanitarian provisions of Security Council resolutions 2254 (2015), 2258 (2015) and 2286 (2016) be immediately implemented and that humanitarian aid be safely delivered to all people in need;

[24] A/66/865-S/2012/522, annex.

2. *Also strongly* condemns all violations and abuses of international human rights law and all violations of international humanitarian law committed, in particular all indiscriminate and disproportionate attacks, including the use of barrel bombs in civilian areas and against civilian infrastructure, and demands that all parties immediately demilitarize medical facilities and schools and comply with their obligations under international law;

3. *Deplores and condemns in the strongest terms* the continued armed violence by the Syrian authorities against its own people since the beginning of the peaceful protests in 2011, and demands that the Syrian authorities immediately put an end to all indiscriminate attacks, including those involving the use of terror tactics, air strikes, barrel and vacuum bombs, incendiary weapons, chemical weapons and heavy artillery;

4. *Strongly condemns* any use of any toxic chemicals, such as chlorine, by any party as a weapon in the Syrian Arab Republic;

5. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable, and calls for a significant enhancement of the verification measures of the Organization for the Prohibition of Chemical Weapons;

6. *Welcomes* the reports of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism of 24 August 2016[25] and 21 October 2016,[26] and notes with deep concern its findings that the Syrian Arab Armed Forces were responsible for the use of chemical weapons in at least three attacks in the Syrian Arab Republic (Talmenes in 2014, Sarmin in 2015 and Qmenas in 2015) and that so-called ISIL-Da'esh was responsible for one mustard gas attack in the Syrian Arab Republic (Marea in 2015);

7. *Demands* that the Syrian regime and so-called ISIL-Da'esh immediately cease the use of chemical weapons, and also demands that the Syrian regime adhere fully to its international obligations, including the requirement that it declare in full its chemical weapons programme, with special emphasis on the need for the Syrian Arab Republic to urgently resolve the verified gaps, inconsistencies and discrepancies pertaining to its declaration in respect of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[22] and to eliminate its chemical weapons programme in its entirety as referred to in the report of the Director General of the Organization for the Prohibition of Chemical Weapons, dated 22 February 2016)[27] indicating that the Secretariat is at present unable to verify fully that the declaration and related submissions of the Syrian Arab Republic are accurate and complete, as required by the Convention and decision EC-M-33/DEC.1 of the Executive Council of the Organization for the Prohibition of Chemical Weapons;

[25] S/2016/738/Rev.1.

[26] S/2016/888.

[27] EC-8/HP/DG.1.

8. *Requests* additional procedures for stringent verification pursuant to paragraph 8, article IV, and paragraph 10, article V, of the Convention, in order to ensure the complete destruction of the Syrian chemical weapons programme and prevent any further use of chemical weapons;

9. *Deplores and condemns in the strongest terms* the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities, the Government-affiliated *shabbiha* militias and those who fight on their behalf, including those deliberately targeting civilians or civilian objects, including attacks on schools, hospitals and places of worship, with heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical or other weapons and other force against civilians, as well as the starvation of the civilian population as a method of warfare, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of peaceful protestors, human rights defenders and journalists, individuals and members of communities on the basis of their religion or belief, arbitrary detention, enforced disappearances, violations of women's and children's rights, forced displacement of members of minority groups, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systematic sexual and gender-based violence, including rape in detention, and ill-treatment;

10. *Calls for* a restoration of the cessation of hostilities in the Syrian Arab Republic, demands that all the parties, most notably the Syrian regime, stop their attacks against civilians, including in populated areas, and that all parties to the cessation of hostilities in the Syrian Arab Republic redouble their efforts to fulfil their commitments, consistent with Security Council resolution 2268 (2016), and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure immediate implementation of a monitored and enforceable cessation of hostilities, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law;

11. *Strongly condemns* all human rights abuses or violations of international humanitarian law, including the killing and persecution of individuals and members of communities on the basis of their religion or belief, by armed extremists, as well as any human rights abuses or violations of international humanitarian law by armed anti-Government groups;

12. *Deplores and strongly condemns* the terrorist acts and violence committed against civilians by so-called ISIL-Da'esh and Al-Nusrah Front and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of so-called ISIL-Da'esh, cannot and should not be associated with any religion, nationality or civilization;

13. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by so-called ISIL-Da'esh, in particular the

enslavement and sexual abuse of women and girls and the forced recruitment, use and abduction of children;

14. *Condemns* the reported forced displacements of the population in the Syrian Arab Republic and the alarming impact thereof on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

15. *Reminds* the Government of the Syrian Arab Republic of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[28] including to take effective measures to prevent acts of torture in any territory under its jurisdiction, and calls upon all States parties to the Convention to comply with any relevant obligations under the Convention, including with respect to the extradite or prosecute principle contained in article 7 of the Convention;

16. *Strongly condemns* the reported persistent and widespread use of sexual violence, abuse and exploitation, including in government detention centres, including those run by the intelligence agencies, and notes that such acts may constitute violations of international humanitarian law and violations and abuses of international human rights law, and in this regard expresses deep concern at the prevailing climate of impunity for sexual violence crimes;

17. *Also strongly condemns* all violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape and all other forms of sexual violence, abductions and denial of humanitarian access for children, attacks on civilian objects, including schools and hospitals, as well as their arbitrary arrest, unlawful detention, torture and ill treatment and their use as human shields;

18. *Recalls* the statement made by the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic on 21 September 2015 that the Syrian authorities remain responsible for the majority of the civilian casualties, killing and maiming scores of civilians daily, reiterates its decision to transmit the reports of the Commission of Inquiry to the Security Council, expresses its appreciation to the Commission of Inquiry for its briefings to members of the Security Council, and requests that the Commission of Inquiry continue to brief the General Assembly and members of the Security Council;

19. *Reaffirms* the Syrian authorities' responsibility for enforced disappearances, takes note of the assessment of the Commission of Inquiry that the Syrian authorities' use of enforced disappearances amounts to a crime against humanity, and condemns the targeted disappearances of young men, following Government-brokered ceasefires;

20. *Expresses its profound concern* about the findings of the report of the Commission of Inquiry regarding the tragic and relentless level of indiscriminate attacks on civilians in the Syrian Arab Republic, targeted attacks on protected persons and objects, including medical facilities, personnel and transport and

[28] United Nations, *Treaty Series*, vol. 1465, No. 24841.

blocked humanitarian convoys, as well as enforced disappearances, summary executions and other violations and abuses;

21. *Deplores* the horrific attack on 19 September 2016 on a United Nations-Syrian Arab Red Crescent aid convoy in rural Aleppo, which was in clear violation of international humanitarian law, welcomes the decision of the United Nations to investigate this attack, calls for the perpetrators to be held accountable, and in this regard welcomes the establishment of an internal and independent United Nations Headquarters Board of Inquiry into the incident, and reaffirms that humanitarian workers and their means of transport, equipment and facilities must be protected in accordance with international humanitarian law;

22. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

23. *Also demands* that the Syrian authorities meet their responsibilities to protect the Syrian population;

24. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations and foreign forces fighting on behalf of the Syrian regime, particularly the Al-Quds Brigades, the Iranian Revolutionary Guard Corps and militia groups such as Hizbullah, Asa'ib Ahl al-Haq and Liwa' Abu al-Fadl al-Abbas, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

25. *Also strongly condemns* all attacks against the Syrian moderate opposition and calls for their immediate cessation, given that such attacks benefit so-called ISIL-Da'esh and other terrorist groups, such as Al-Nusrah Front, and contribute to a further deterioration of the humanitarian situation;

26. *Demands* that all foreign terrorist fighters, including those who are fighting in support of the Syrian authorities, immediately withdraw from the Syrian Arab Republic;

27. *Also demands* that all parties immediately put an end to all violations and abuses of international human rights law and violations of international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilians and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate steps to protect civilians, in compliance with international law, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, immediately demilitarize such facilities, seek to avoid establishing military positions in densely populated areas and enable the evacuation of the wounded and all civilians who wish to leave besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting its population;

28. *Condemns in the strongest terms* the increasing number of massacres and other mass casualty incidents, including those which may constitute a war crime,

taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

29. *Recalls* the statements made by the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, indicating that the overwhelming majority of the civilian casualties in the Syrian Arab Republic have been caused by the indiscriminate use of aerial bombardments, demands in this regard that the Syrian authorities immediately cease any attacks on civilians, any disproportionate attacks and any indiscriminate use of weapons in populated areas, including any indiscriminate use of weapons involving shelling and aerial bombardment, in particular the use of barrel bombs and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering, and recalls in this regard the obligation to respect international humanitarian law in all circumstances;

30. *Emphasizes* the need for accountability for crimes involving breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity, committed in the Syrian Arab Republic since March 2011, through fair and independent investigations and prosecutions at the domestic or international level;

31. *Welcomes* the efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, and encourages them to continue doing so and to share relevant information between States in accordance with their national legislation and international law, and encourages other States to consider doing the same;

32. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to assume its responsibility for providing urgent financial support to enable the host countries and communities to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

33. *Calls upon* all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, its specialized agencies and other humanitarian actors to provide humanitarian assistance to the millions of Syrians displaced both internally and in host countries and communities;

34. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of warfare is prohibited under international law, noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

35. *Demands* that the Syrian authorities and all other parties to the conflict not hinder the full, immediate, unimpeded and sustained access of the United Nations and humanitarian actors, including to besieged and hard-to-reach areas, consistent with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015) and 2258 (2015);

36. *Strongly condemns* practices including abduction, hostage-taking, incommunicado detention, torture, the brutal murder of innocent civilians and summary executions carried out by non-State armed groups and terrorist groups, most notably so-called ISIL-Da'esh and Al-Nusrah Front, and underlines that such acts may amount to crimes against humanity;

37. *Deplores* the suffering and torture in detention centres throughout the Syrian Arab Republic, as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, as well as in the evidence presented by "Caesar" in January 2014, demands that the Syrian authorities immediately release all persons arbitrarily detained and ensure that detention conditions are consistent with international law, and calls upon the Syrian authorities to publish a list of all detention facilities;

38. *Demands* that the Syrian authorities halt the arbitrary detention of individuals and release all those unlawfully detained, and that so-called ISIL-Da'e h, Al-Nusrah Front and all other groups release all those detained;

39. *Calls for* the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres, including all military facilities referred to in the reports of the Commission of Inquiry;

40. *Demands* that all parties take all appropriate steps to protect civilians and persons hors de combat, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect its population lies with the Syrian authorities;

41. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, bearing in mind the widespread destruction recently brought about by air bombings in Aleppo, a World Heritage Site of the United Nations Educational, Scientific and Cultural Organization, as well as the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

42. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate fair and independent domestic or international criminal justice mechanisms in accordance with the principle of complementarity, and stresses the need to pursue practical steps towards this goal, and for this reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard;

43. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, and encourages other States outside the region to consider also implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance;

44. *Urges* all parties to the conflict to take all appropriate steps to ensure the safety and security of United Nations and associated personnel, personnel of the specialized agencies and all other personnel engaged in humanitarian relief activities as required by international humanitarian law, without prejudice to their

freedom of movement and access, stresses the need not to impede or hinder these efforts, recalls that attacks on humanitarian workers may amount to war crimes, and notes in this regard that the Security Council reaffirmed in its resolution 2191 (2014) that it will take further measures in the event of non-compliance with resolutions 2139 (2014), 2165 (2014), 2191 (2014) or 2258 (2015) by any Syrian party;

45. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution to the Syrian crisis, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2242 (2015) of 13 October 2015;

46. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the final communiqué of the Action Group for Syria of 30 June 2012,[24] consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full and effective participation of women, where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and where all citizens receive equal protection, regardless of gender, religion or ethnicity, and further demands that all parties work urgently towards the comprehensive implementation of the final communiqué,[24] including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions.

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Agenda item 68 (c)

Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, Norway, Palau, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 70/173 of 17 December 2015,

1. *Takes note* of the report of the Secretary-General of 6 September 2016,[3] submitted pursuant to resolution 70/173, and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran of 30 September 2016,[4] submitted pursuant to Council resolution 31/19 of 23 March 2016;[5]

* Reissued for technical reasons on 7 November 2016.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/71/374.

[4] A/71/418.

[5] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

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2. *Continues to welcome* the pledges made by the President of the Islamic Republic of Iran with regard to some important human rights issues, particularly on eliminating discrimination against women and members of ethnic minorities and on greater space for freedom of expression and opinion;

3. *Acknowledges* legislative and administrative changes in the Islamic Republic of Iran, which, if properly implemented, would address some human rights concerns, including portions of the new Code of Criminal Procedure;

4. *Welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;

5. *Also welcomes* the efforts of the Islamic Republic of Iran to host large numbers of Afghan refugees, granting them access to basic services, in particular access to health care and education for children;

6. *Further welcomes* the decision of the Government of the Islamic Republic of Iran to postpone the annual civil service entry exam because of concerns that it discriminates against women;

7. *Welcomes* the increasing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedures mandate holders;

8. *Also welcomes* the recently expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights;

9. *Expresses serious concern* at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including executions undertaken for crimes that do not qualify as the most serious crimes, on the basis of forced confessions or against minors and persons who at the time of their offence were under the age of 18, in violation of both the Convention on the Rights of the Child[6] and the International Covenant on Civil and Political Rights,[2] expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification to the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

10. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

11. *Urges* the Islamic Republic of Iran to cease enforced disappearances and the widespread and systematic use of arbitrary detention, and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

12. *Calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, to eliminate the denial of access to adequate medical treatment and the consequent risk of death faced by prisoners and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest;

13. *Also calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment in which an independent, diverse and pluralistic civil society can operate free from hindrance and insecurity, urges the Islamic Republic of Iran to end widespread and serious restrictions, in law and in practice, on the right to freedom of expression, opinion, association and peaceful assembly, both online and offline, including by ending the harassment, intimidation and persecution of political opponents, human rights defenders, women's and minority rights activists, labour leaders, students' rights activists, academics, film-makers, journalists, bloggers, social media users, media workers, religious leaders, artists, lawyers and persons belonging to recognized and unrecognized religious minorities and their families, and further calls upon the Islamic Republic of Iran to release persons arbitrarily detained for the legitimate exercise of these rights, to consider rescinding unduly harsh sentences, including the death penalty and long-term internal exile, for exercising such fundamental freedoms and to end reprisals against individuals, including for cooperating with the United Nations human rights mechanisms;

14. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including with respect to the right to freedom of movement, the right to enjoyment of the highest attainable standard of physical and mental health and the right to work, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, to address the concerning incidence of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in leadership and decision-making processes and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to all aspects of education and women's equal participation in the labour market and in all aspects of economic, cultural, social and political life;

15. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to ethnic, linguistic or other minorities, including but not limited to Arabs, Azeris, Balochis and Kurds, and their defenders;

16. *Expresses serious concern* about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, attacks against places of worship and burial and other human rights violations, including but not limited to harassment, persecution, arbitrary arrests and detention, denial of access to education and incitement to hatred that leads to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith and their defenders, and calls upon the Government of the Islamic Republic of Iran to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, including the seven Baha'i leaders declared by the Working Group on Arbitrary Detention of the Human Rights Council to have been arbitrarily detained since 2008, and to eliminate, in law and in practice, all forms of discrimination, including economic restrictions, such as the closure or confiscation of businesses and properties, the cancellation of licences and denial of employment in certain public and private sectors, including government or military positions and elected office, and other human rights violations against persons belonging to recognized and unrecognized religious minorities;

17. *Calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process in response to all cases of serious human rights violations, including those involving the Iranian judiciary and security agencies, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations;

18. *Also calls upon* the Islamic Republic of Iran to ensure credible, transparent and inclusive presidential elections in 2017 and to allow all candidates to stand in a manner consistent with the Universal Declaration of Human Rights[1] and the International Covenant on Civil and Political Rights in order to guarantee the free expression of the will of the Iranian people, and to that end calls upon the Government of the Islamic Republic of Iran to allow independent national and international observation;

19. *Further calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

20. *Calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(a) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(b) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special procedures mandate holders, whose access to its territory has been restricted or

denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(c) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, and its second cycle, in 2014, with the full and genuine participation of independent civil society and other stakeholders in the implementation process;

(d) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(e) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

21. *Also calls upon* the Islamic Republic of Iran to continue to translate the pledges made by the President of the Islamic Republic of Iran with respect to human rights concerns into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

22. *Further calls upon* the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

23. *Strongly encourages* the relevant thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

24. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its thirty-fourth session;

25. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-second session under the item entitled "Promotion and protection of human rights".

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Agenda item 68 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Palau, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] international human rights treaties and other relevant international instruments and declarations,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations, recalling its resolution 2625 (XXV) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and reaffirming the principles contained therein,

Recalling its resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally

[1] General Assembly resolution 217 A (III).

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recognized borders, and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system,

Condemning the temporary occupation of part of the territory of Ukraine — the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") — by the Russian Federation, and reaffirming the non-recognition of its annexation,

Welcoming the reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, of the Commissioner for Human Rights of the Council of Europe, and of the human rights assessment mission of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, in which they stated that violations and abuses of human rights continued to take place in Crimea and pointed to the sharp deterioration of the overall human rights situation,

Condemning the imposition of the legal system of the Russian Federation and the negative impact on the human rights situation in Crimea,

Condemning also the reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, arbitrary detentions, torture and ill-treatment of detainees and their transfer from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly,

Expressing serious concern at the decision of the so-called Supreme Court of Crimea of 26 April 2016 and the decision of the Supreme Court of the Russian Federation of 29 September 2016 to declare the Mejlis of the Crimean Tatar People, the self-governing body of the Crimean Tatars, to be an extremist organization and to ban its activities,

Recalling the prohibition under the Geneva Conventions of 12 August 1949[2] for the occupying Power to compel a protected person to serve in its armed or auxiliary forces,

Welcoming the continued efforts by the Secretary-General, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe and other international and regional organizations to support Ukraine in promoting, protecting and ensuring human rights, and expressing concern over the lack of safe and unfettered access by established regional and international human rights monitoring mechanisms and human rights non-governmental organizations to Crimea,

1. *Condemns* the abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups, by the Russian occupation authorities;

[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

2. *Urges* the Russian Federation:

(a) To uphold all of its obligations under applicable international law as an occupying Power;

(b) To take all measures necessary to bring an immediate end to all abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions, torture and other cruel, inhumane or degrading treatment, and to revoke all discriminatory legislation;

(c) To immediately release Ukrainian citizens who were unlawfully detained and judged without regard for elementary standards of justice, as well as those transferred across internationally recognized borders from Crimea to the Russian Federation;

(d) To address the issue of impunity and ensure that those found to be responsible for abuses are held accountable before an independent judiciary;

(e) To create and maintain a safe and enabling environment for journalists and human rights defenders to perform their work independently and without undue interference in Crimea;

(f) To permit the reopening of cultural and religious institutions;

(g) To revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, and repeal the decision banning leaders of the Mejlis from entering Crimea;

(h) To cooperate fully and immediately with the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe and the Council of Europe on the situation of human rights in Crimea;

3. *Requests* the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms to enable them to carry out their mandate;

4. *Urges* the Russian Federation to ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, recognizing that the international presence in Crimea is of paramount importance in preventing the situation from further deterioration;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a dedicated thematic report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol in accordance with the existing mandate and within the existing resources of the human rights monitoring mission in Ukraine, which is currently funded by voluntary contributions;

6. *Decides* to continue its consideration of the matter at its seventy-second session under the item entitled "Promotion and protection of human rights".

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Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of): draft resolution

Moratorium on the use of the death penalty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the Convention on the Rights of the Child,[3]

Recalling the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,[4] and in this regard

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[4] United Nations, *Treaty Series*, vol. 1642, No. 14668.

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welcoming the increasing number of accessions to and ratifications of the Second Optional Protocol,

Reaffirming its resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012 and 69/186 of 18 December 2014 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

Welcoming all relevant decisions and resolutions of the Human Rights Council,

Mindful that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

Noting ongoing local and national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make available to the public information on the use of the death penalty, and also, in this regard, the decision by the Human Rights Council in its resolution 26/2 of 26 June 2014[1] to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty,

Recognizing the role of national human rights institutions in contributing to ongoing local and national debates and regional initiatives on the death penalty,

Welcoming the considerable movement towards the abolition of the death penalty globally and the fact that many States are applying a moratorium, including long-standing moratoriums, either in law or in practice, on the use of the death penalty,

Emphasizing the need to ensure that persons facing the death penalty are treated with humanity and with respect for their inherent dignity and in compliance with their rights under international human rights law,

Noting the technical cooperation among Member States, as well as the role of relevant United Nations entities and human rights mechanisms, in supporting State efforts to establish moratoriums on the death penalty,

Bearing in mind the work of special procedures mandate holders who have addressed human rights issues related to the death penalty within the framework of their respective mandates,

1. *Expresses its deep concern* about the continued application of the death penalty;

[1] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

2. *Welcomes* the report of the Secretary-General on the implementation of resolution 69/186[6] and the recommendations contained therein;

3. *Also welcomes* the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, as well as steps taken to limit its application;

4. *Further welcomes* initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment;

5. *Welcomes* the decisions made by an increasing number of States from all regions, at all levels of government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

6. *Calls upon* all States:

(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

(b) To comply with their obligations under article 36 of the 1963 Vienna Convention on Consular Relations,[7] particularly the right to receive information on consular assistance;

(c) To make available relevant information, disaggregated by sex, age, and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, the number of death sentences reversed or commuted on appeal and information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty;

(d) To progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below 18 years of age, on pregnant women or on persons with mental or intellectual disabilities;

(e) To reduce the number of offences for which the death penalty may be imposed;

(f) To ensure that those facing the death penalty can exercise their right to apply for pardon or commutation of their death sentence by ensuring that clemency procedures are fair and transparent and that prompt information is provided at all stages of the process;

(g) To establish a moratorium on executions with a view to abolishing the death penalty;

[6] A/71/332.

[7] United Nations, *Treaty Series*, vol. 596, No. 8638.

7. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

8. *Encourages* States which have a moratorium to maintain it and to share their experience in this regard;

9. *Calls upon* States which have abolished the death penalty to include in their bilateral and regional extradition agreements provisions stating that, in case of receipt of an extradition request for an offence punishable by death under the law of the requesting State, the extradition is to be refused, unless the requesting State gives a credible assurance that the death penalty will not be carried out;

10. *Calls upon* States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;[4]

11. *Requests* the Secretary-General to report to the General Assembly at its seventy-third session on the implementation of the present resolution;

12. *Decides* to continue consideration of the matter at its seventy-third session under the item entitled "Promotion and protection of human rights".

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Agenda Item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Austria, Belgium, Brazil, Bulgaria, Chile, Costa Rica, Cyprus, Gambia, Germany, Hungary, Iceland, Liechtenstein, Lithuania, Luxembourg, Mongolia, Netherlands, Norway, Slovenia, Spain, Switzerland and Ukraine: draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles of the Universal Declaration of Human Rights[1] and the provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto,[3] the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] and the International Covenant on Economic, Social and Cultural Rights,[7] as well as all other relevant international treaties,

Calling attention to the numerous international standards in the field of the administration of justice,

Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex; and United Nations, *Treaty Series*, vol. 1642, No. 14668.
[3] United Nations, *Treaty Series*, vols. 1465 and 2375, No. 24841.
[4] Resolution 61/177, annex.
[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] See resolution 2200 A (XXI), annex.

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including General Assembly resolution 69/172 of 18 December 2014 and Human Rights Council resolution 30/7 of 1 October 2015,

Noting with appreciation the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,[8]

Welcoming the adoption of the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),[9]

Reaffirming the importance of international standards and norms in crime prevention and criminal justice, including in relation to drug-related crimes, as recognized by Member States in the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem",[10]

Welcoming the work of all special procedures of the Human Rights Council that address human rights in the administration of justice in the discharge of their mandates,

Taking note of the work of all human rights treaty body mechanisms on human rights in the administration of justice, in particular of general comments No. 21 on the humane treatment of persons deprived of their liberty,[11] No. 32 on the right to equality before courts and tribunals and to a fair trial,[12] and No. 35 on liberty and security of persons, adopted by the Human Rights Committee, and general comments No. 10 on children's rights in juvenile justice[13] and No. 13 on the right of the child to freedom from all forms of violence,[14] adopted by the Committee on the Rights of the Child,

Noting with appreciation the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peacekeeping Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict,

Noting with appreciation also the thematic report of the Special Representative of the Secretary-General on Violence against Children entitled *Safeguarding the Rights of Girls in the Criminal Justice System: Preventing Violence, Stigmatization and Deprivation of Liberty*, the report of the Special Rapporteur on minority issues concerning minorities in the criminal justice system[15]

[8] A/71/169.
[9] Resolution 70/175, annex.
[10] Resolution S-30/1.
[11] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40* (A/47/40), annex VI.B.
[12] Ibid., *Sixty-second Session, Supplement No. 40* (A/62/40), vol. I, annex VI.
[13] Ibid., *Sixty-third Session, Supplement No. 41* (A/63/41), annex IV.
[14] Ibid., *Sixty-seventh Session, Supplement No. 41* (A/67/41), annex V.
[15] A/70/212.

and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,[16]

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members,

Encouraging continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of juvenile justice, welcoming in this regard the holding of the World Congress on Juvenile Justice in Geneva, from 26 to 30 January 2015, and noting with interest its final declaration,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy and for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

Welcoming the inclusion in Sustainable Development Goal 16, on the promotion of just, peaceful and inclusive societies, of the target to promote the rule of law at the national and international levels and to ensure equal access to justice for all,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

Recognizing the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms,

Concerned about the negative impact of overincarceration and overcrowding on the enjoyment of human rights, and acknowledging that overincarceration constitutes one of the major underlying causes of overcrowding,

Recalling that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

Recognizing the need for Governments to take measures, within the justice system, particularly the criminal justice system, to prevent discrimination against persons belonging to national or ethnic, religious and linguistic minorities and to increase the effective participation of minorities within the system,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while

[16] A/71/298.

they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Reaffirming that children who are victims and witnesses of crime and violence are particularly vulnerable and require special protection, assistance and support appropriate to their age, level of maturity and needs, in order to prevent further hardship and trauma that may result from their participation in the criminal justice process,

Recognizing the specific situation and needs of children formerly associated with armed forces or armed groups when accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups,

Reaffirming that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to sentencing of his or her parents, or, where applicable, legal guardians or primary caregivers,

1. *Welcomes* the most recent report of the Secretary-General on human rights in the administration of justice;[17]

2. *Takes note with appreciation* of the reports of the United Nations High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty,[18] on access to justice for children[19] and on the human rights implications of overincarceration and overcrowding[20] and the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system,[21] submitted to the Human Rights Council;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

4. *Invites* States to assess their national legislation and practice in accordance with those standards, including the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

5. *Also invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include, in their national development plans, the effective administration of justice and equal access to justice as an integral part of the development process, with a view to promoting and protecting human rights, and to allocate adequate resources for the provision of legal aid services, and invites the international community to respond favourably to requests for financial and

[17] A/71/405.
[18] A/HRC/21/26.
[19] A/HRC/25/35 and Add.1 and A/HRC/27/25.
[20] A/HRC/30/19.
[21] A/HRC/21/25.

technical assistance for the enhancement and strengthening of the administration of justice;

7. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, and through the encouragement of independence, accountability and transparency in the judiciary, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

8. *Reaffirms* that no one should be unlawfully or arbitrarily deprived of his or her liberty, and notes the principles of necessity and proportionality in this regard;

9. *Calls upon* States to apply individual criminal responsibility and to refrain from detaining persons based solely on their family ties with an alleged offender;

10. *Also calls upon* States to ensure that anyone who is deprived of his or her liberty through arrest or detention has prompt access to a competent court with the effective power to determine the lawfulness of the detention and to order release if the detention or imprisonment is determined not to be lawful and prompt access to legal counsel, in accordance with their international obligations and commitments;

11. *Urges* all States to consider establishing, maintaining or enhancing independent mechanisms with the mandate to monitor all places of detention, including by making unannounced visits, and to hold private interviews without witnesses with all persons deprived of liberty, in line with the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

12. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

13. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment;

14. *Calls upon* States to investigate promptly, effectively and impartially all alleged human rights violations suffered by persons deprived of their liberty, in particular cases involving death, torture and cruel, inhuman or degrading treatment or punishment, to provide effective remedies to the victims, in accordance with their international obligations and commitments and to ensure that detention administrations fully cooperate with the investigating authority and preserve all evidence;

15. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, which should be a measure of last resort and for as short a period as possible by, inter alia, adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures

aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance;

16. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including through enhancing the availability and use of alternatives to pretrial detention and custodial sentences in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[22] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[23] access to legal aid, mechanisms for crime prevention, early release and rehabilitation programmes and the efficiency as well as the capacity of the criminal justice system and its facilities in line with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[24] and encourages States to make use, inter alia, of the United Nations Office on Drugs and Crime *Handbook on Strategies to Reduce Overcrowding in Prisons* in this regard;

17. *Calls upon* States to review penal policies that can contribute to overincarceration and overcrowding, in particular regarding so called "zero-tolerance policies", such as the application of mandatory pretrial detention and mandatory minimum sentences especially for minor and or non-violent crimes;

18. *Continues to encourage* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

19. *Recognizes* that every child and juvenile alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, taking into account also the age, gender, social circumstances and development needs of such children, and calls upon States parties to the Convention on the Rights of the Child[6] and States parties to the Optional Protocols to the Convention[25] to abide strictly by its principles and provisions;

20. *Reiterates the importance of* the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,[26] and urges States to consider applying them, as appropriate, in the design, implementation, monitoring and evaluation of laws, policies, programmes, budgets and mechanisms aimed at eliminating violence against children in the field of crime prevention and criminal justice;

21. *Recalls* its resolution 69/157 of 18 December 2014, in which it invited the Secretary General to commission an in-depth global study on children deprived of liberty, to be funded through voluntary contributions, and in this regard encourages Member States, United Nations agencies, funds, programmes and

[22] Resolution 45/110, annex.
[23] Resolution 65/229, annex.
[24] Resolution 67/187, annex.
[25] United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531, and resolution 66/138, annex.
[26] Resolution 69/194, annex.

offices, as well as other relevant stakeholders, to support the elaboration of the study;

22. *Welcomes* the regional conference on oversight, inspection and monitoring of places where children are deprived of liberty in the framework of the criminal justice system organized in Buenos Aires on 19 and 20 May 2016 by the Special Representative of the Secretary-General on Violence against Children and the United Nations Children's Fund, and the important recommendations that have been put forward;

23. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so and to develop and implement a comprehensive and coordinated juvenile justice policy to prevent and address juvenile delinquency and to address risks and causes for children's contact with the juvenile and/or criminal justice system, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

24. *Stresses* the importance of including reintegration strategies for former child offenders in juvenile justice policies, in particular through the provision of gender-sensitive education and life skills programmes, as well as treatment and services for substance abuse and mental health needs, with a view to their assuming a constructive role in society;

25. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system, including within the informal justice system, where it exists;

26. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release nor corporal punishment is imposed for offences committed by persons under 18 years of age, and encourages States to consider repealing all other forms of life imprisonment for offences committed by persons under 18 years of age;

27. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and in this respect notes the recommendation of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;[12]

28. *Also encourages* States to gather relevant information, including through data collection and research, concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

29. *Stresses* the importance of paying greater attention to the impact on children of imprisonment or other sentences imposed upon their parents, while

noting with interest the convening of and reports on all relevant meetings and panel discussions on these issues held by the Human Rights Council,[27]

30. *Invites* Governments to provide for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

31. *Invites* States, upon their request, to benefit from technical advice and assistance provided by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

32. *Invites* the Office of the High Commissioner and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations, and in this context to strengthen cooperation with relevant United Nations entities;

33. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to further streamline and strengthen system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group chaired by the Deputy Secretary-General, the Rule of Law Unit in the Executive Office of the Secretary-General and the joint global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations;

34. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

35. *Invites* relevant special procedure mandate holders of the Human Rights Council, as well as relevant treaty bodies, to give special attention to questions relating to the effective protection of human rights in the administration of justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

36. *Requests* the Secretary-General to submit to the General Assembly at its seventy-third session a report on the latest developments, challenges and good practices in human rights in the administration of justice, on efforts to ensure equal access to justice for all through the independent, impartial and effective administration of justice and on the activities undertaken by the United Nations system as a whole;

37. *Decides* to continue its consideration of the question of human rights in the administration of justice at its seventy-third session under the item entitled "Promotion and protection of human rights".

[27] A/HRC/21/31 and A/HRC/25/33.

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Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Armenia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Gambia, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mongolia, Montenegro, Netherlands, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay: revised draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles of the Universal Declaration of Human Rights[1] and the provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto,[3] the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] and the International Covenant on Economic, Social and Cultural Rights,[7] as well as all other relevant international treaties,

Calling attention to the numerous international standards in the field of the administration of justice,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex; and United Nations, *Treaty Series*, vol. 1642, No. 14668.
[3] United Nations, *Treaty Series*, vols. 1465 and 2375, No. 24841.
[4] Resolution 61/177, annex.
[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] See resolution 2200 A (XXI), annex.

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Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolution 69/172 of 18 December 2014 and Human Rights Council resolution 30/7 of 1 October 2015,

Taking note of the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,[8]

Welcoming the adoption of the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),[9]

Reaffirming the importance of international standards and norms in crime prevention and criminal justice, including in relation to drug-related crimes, as recognized by Member States in the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem",[10]

Welcoming the work of all special procedures of the Human Rights Council that address human rights in the administration of justice in the discharge of their mandates,

Taking note of the work of all human rights treaty body mechanisms on human rights in the administration of justice, inter alia, of general comments No. 21 on the humane treatment of persons deprived of their liberty,[11] No. 32 on the right to equality before courts and tribunals and to a fair trial[12] and No. 35 on liberty and security of persons, adopted by the Human Rights Committee, and general comments No. 10 on children's rights in juvenile justice[13] and No. 13 on the right of the child to freedom from all forms of violence,[14] adopted by the Committee on the Rights of the Child,

Noting with appreciation the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peacekeeping Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict,

Noting with appreciation also the thematic report of the Special Representative of the Secretary-General on Violence against Children entitled *Safeguarding the Rights of Girls in the Criminal Justice System: Preventing Violence, Stigmatization and Deprivation of Liberty*, the report of the Special Rapporteur on minority issues concerning minorities in the criminal justice system[15]

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[8] A/71/169.

[9] Resolution 70/175, annex.

[10] Resolution S-30/1.

[11] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40* (A/47/40), annex VI.B.

[12] Ibid., *Sixty-second Session, Supplement No. 40* (A/62/40), vol. I, annex VI.

[13] Ibid., *Sixty-third Session, Supplement No. 41* (A/63/41), annex IV.

[14] Ibid., *Sixty-seventh Session, Supplement No. 41* (A/67/41), annex V.

[15] A/70/212.

and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,[15]

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members,

Encouraging continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of juvenile justice, and noting in this regard the World Congress on Juvenile Justice, held in Geneva from 26 to 30 January 2015,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy and for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

Welcoming the inclusion in Sustainable Development Goal 16, on the promotion of just, peaceful and inclusive societies, of the target to promote the rule of law at the national and international levels and to ensure equal access to justice for all,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

Recognizing the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms,

Concerned about the negative impact of overincarceration and overcrowding on the enjoyment of human rights, and acknowledging that overincarceration constitutes one of the major underlying causes of overcrowding,

Recalling that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

Recognizing the need for Governments to take measures, within the justice system, particularly the criminal justice system, to prevent discrimination, inter alia, against persons belonging to national or ethnic, religious and linguistic minorities and to increase their effective participation within the system,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while

[15] A/71/298.

they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Reaffirming that children who are victims and witnesses of crime and violence are particularly vulnerable and require special protection, assistance and support appropriate to their age, level of maturity and needs, in order to prevent further hardship and trauma that may result from their participation in the criminal justice process,

Recognizing the specific situation and needs of children formerly associated with armed forces or armed groups when accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to sentencing of his or her parents, or, where applicable, legal guardians or primary caregivers,

1. *Takes note with appreciation* of the most recent report of the Secretary-General on human rights in the administration of justice;[17]

2. *Also takes note with appreciation* of the reports of the United Nations High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty,[18] on access to justice for children[19] and on the human rights implications of overincarceration and overcrowding[20] and the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system,[21] submitted to the Human Rights Council;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice, and invites States to assess their national legislation and practice against those standards;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

5. *Appeals* to Governments to include, in their national development plans, the effective administration of justice and equal access to justice as an integral part of the development process, with a view to promoting and protecting human rights, and to allocate adequate resources for the provision of legal aid services, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police

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[17] A/71/405.
[18] A/HRC/21/26.
[19] A/HRC/25/35 and Add.1 and A/HRC/27/25.
[20] A/HRC/30/19.
[21] A/HRC/21/25.

and the penal system, as well as juvenile justice reform, and through the encouragement of independence, accountability and transparency in the judiciary, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

7. *Reaffirms* that no one should be unlawfully or arbitrarily deprived of his or her liberty, and notes the principles of necessity and proportionality in this regard;

8. *Calls upon* States to apply individual criminal responsibility and to refrain from detaining persons based solely on their family ties with an alleged offender;

9. *Also calls upon* States to ensure that anyone who is deprived of his or her liberty through arrest or detention has prompt access to a competent court with the effective power to determine the lawfulness of the detention and to order release if the detention or imprisonment is determined not to be lawful and prompt access to legal counsel, in accordance with their international obligations and commitments;

10. *Calls upon* all States to consider establishing, maintaining or enhancing independent national mechanisms with the mandate to monitor all places of detention, including by making unannounced visits, and to hold private interviews without witnesses with all persons deprived of liberty, inter alia, in line with the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);[9]

11. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

12. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment;

13. *Calls upon* States to investigate promptly, effectively and impartially all alleged human rights violations suffered by persons deprived of their liberty, in particular cases involving death, torture and cruel, inhuman or degrading treatment or punishment, to provide effective remedy to the victims, in accordance with their international obligations and commitments and to ensure that detention administrations fully cooperate with the investigating authority and preserve all evidence;

14. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, which should be a measure of last resort and for as short a period as possible by, inter alia, adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance;

15. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including through enhancing the availability and use of alternatives to pretrial detention and custodial sentences bearing in mind the United

Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[22] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[23] access to legal aid, mechanisms for crime prevention, early release and rehabilitation programmes and the efficiency as well as the capacity of the criminal justice system and its facilities bearing in mind the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;[24]

16. *Continues to encourage* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special procedure mandate holders, the Office of the High Commissioner, the United Nations Office on Drugs and Crime and all other relevant organizations to take those rules into consideration in their activities;

17. *Encourages* States to review penal policies that can contribute to overincarceration and overcrowding, in particular regarding so called "zero-tolerance policies", such as the application of mandatory pretrial detention and mandatory minimum sentences especially for minor and/or non-violent crimes;

18. *Recognizes* that every child and juvenile alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, taking into account also the age, gender, social circumstances and development needs of such children, and calls upon States parties to the Convention on the Rights of the Child[25] and States parties to the Optional Protocols to the Convention[25] to abide strictly by their principles and respective provisions;

19. *Reiterates the importance* of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,[26] and urges States to consider applying them, as appropriate, in the design, implementation, monitoring and evaluation of laws, policies, programmes, budgets and mechanisms aimed at eliminating violence against children in the field of crime prevention and criminal justice;

20. *Recalls* its resolution 69/157 of 18 December 2014, in which it invited the Secretary-General to commission an in-depth global study on children deprived of liberty, to be funded through voluntary contributions, and in this regard encourages Member States, United Nations agencies, funds, programmes and offices, as well as other relevant stakeholders, to support the elaboration of the study;

21. *Notes* the regional conference on oversight, inspection and monitoring of places where children are deprived of liberty in the framework of the criminal justice system organized in Buenos Aires on 19 and 20 May 2016 by the Special

[22] Resolution 45/110, annex.
[23] Resolution 65/229, annex.
[24] Resolution 67/187, annex.
[25] United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531; and resolution 66/138, annex.
[26] Resolution 69/194, annex.

Representative of the Secretary-General on Violence against Children and the United Nations Children's Fund, and of the important recommendations that have been put forward in this regard;

22. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so and to develop and implement a comprehensive and coordinated juvenile justice policy to prevent and address juvenile delinquency and to address risks and causes for children's contact with the juvenile and/or criminal justice system, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

23. *Stresses* the importance of including reintegration strategies for former child offenders in juvenile justice policies, in particular through the provision of gender-sensitive education and life skills programmes, as well as treatment and services for substance abuse and mental health needs, with a view to their assuming a constructive role in society;

24. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system, including within the informal justice system, where it exists;

25. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release nor corporal punishment is imposed for offences committed by persons under 18 years of age, and encourages States to consider repealing all other forms of life imprisonment for offences committed by persons under 18 years of age;

26. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and in this respect notes the recommendation of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;[12]

27. *Also encourages* States to gather relevant information, including through data collection and research, concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

28. *Stresses* the importance of paying greater attention to the impact on children of imprisonment or other sentences imposed upon their parents, while noting with interest the convening of and reports on all relevant meetings and panel discussions on these issues held by the Human Rights Council;[27]

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[27] A/HRC/21/31 and A/HRC/25/33.

29. *Invites* Governments to provide for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

30. *Invites* States, upon their request, to benefit from technical advice and assistance provided by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

31. *Invites* the Office of the High Commissioner and the United Nations Office on Drugs and Crime to reinforce their technical assistance to States, upon request and in accordance with their respective mandates, to strengthen the national capacity-building of States in the field of the administration of justice, in particular in post-conflict situations, and in this context to strengthen cooperation with relevant United Nations entities;

32. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to further streamline and strengthen system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group chaired by the Deputy Secretary-General, the Rule of Law Unit in the Executive Office of the Secretary-General and the joint global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations;

33. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

34. *Invites* relevant special procedure mandate holders of the Human Rights Council, as well as relevant treaty bodies, to give special attention to questions relating to the effective protection of human rights in the administration of justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

35. *Requests* the Secretary-General to submit to the General Assembly at its seventy-third session a report on the latest developments, challenges and good practices in human rights in the administration of justice, including on efforts to ensure equal access to justice for all through the independent, impartial and effective administration of justice, and on the activities undertaken by the United Nations system as a whole; [illegible]

36. *Decides* to continue its consideration of the question of human rights in the administration of justice at its seventy-third session under the item entitled "Promotion and protection of human rights".

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Third Committee

Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea, Eritrea, Namibia, Nicaragua, Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Viet Nam: draft resolution

Declaration on the Right to Peace

The General Assembly,

Recalling all previous resolutions on the promotion of the right to peace and the promotion of peace as a vital requirement for the full enjoyment of all human rights by all, adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolution 20/15 of 5 July 2012,[1]

Stressing that peace is a vital requirement for the promotion and protection of all human rights for all,

Welcoming the adoption by the Human Rights Council, by its resolution 32/28 of 1 July 2016,[2] of the Declaration on the Right to Peace,

1. *Adopts* the Declaration on the Right to Peace, as contained in the annex to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof;

3. *Decides* to continue consideration of the question of the promotion of the right to peace at its seventy-third session under the item entitled "Promotion and protection of human rights".

[1] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. IV, sect. A.

[2] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. V, sect. A.

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Annex

Declaration on the Right to Peace

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[3] and the Vienna Declaration and Programme of Action,[4]

Recalling also the Declaration on the Right to Development,[5] the United Nations Millennium Declaration,[6] the 2005 World Summit Outcome[8] and the 2030 Agenda for Sustainable Development,[7] including the Sustainable Development Goals,

Recalling further the Declaration on the Preparation of Societies for Life in Peace,[10] the Declaration on the Right of Peoples to Peace[11] and the Declaration[12] and Programme of Action[13] on a Culture of Peace, and other international instruments relevant to the subject of the present Declaration,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples,[14]

Recalling also that the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[15] solemnly proclaimed the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations; the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; the duty of States to cooperate with one another in accordance with the Charter; the principle of equal rights and self-determination of peoples; the principle of the sovereign equality of States; and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

Reaffirming the obligations of all Member States, as enshrined in the Charter, to refrain in their international relations from the threat or use of force against the

[1] General Assembly resolution 217 A (III).
[2] See General Assembly resolution 2200 A (XXI), annex.
[3] A/CONF.157/24 (Part I), chap. III.
[4] General Assembly resolution 41/128, annex.
[5] General Assembly resolution 55/2.
[6] General Assembly resolution 60/1.
[7] General Assembly resolution 70/1.
[8] General Assembly resolution 33/73.
[10] General Assembly resolution 39/11, annex.
[11] General Assembly resolution 53/243 A.
[12] General Assembly resolution 53/243 B.
[13] General Assembly resolution 1514 (XV).
[14] General Assembly resolution 2625 (XXV), annex.

territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Acknowledging that the fuller development of a culture of peace is integrally linked to the realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination as enshrined in the Charter and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Convinced that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter, as stated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV) of 24 October 1970,

Recognizing the importance of the settlement of disputes or conflicts through peaceful means,

Deeply deploring all acts of terrorism, recalling that the Declaration on Measures to Eliminate International Terrorism[10] declared that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations and may pose a threat to international peace and security, jeopardize friendly relations among States, threaten the territorial integrity and security of States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society, and reaffirming that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed,

Stressing that all measures taken in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law, as well as those enshrined in the Charter,

Urging all States that have not yet done so to consider, as a matter of priority, becoming parties to international instruments related to terrorism,

Reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing,

Reaffirming also the determination of the peoples of the United Nations, as expressed in the Preamble to the Charter, to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to promote social progress and better standards of life in larger freedom, and to practice tolerance and live together in peace with one another as good neighbours,

[10] General Assembly resolution 49/60, annex.

Recalling that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recognizing that peace is not only the absence of conflict but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, and socioeconomic development is ensured,

Recalling that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that peace is promoted through the full enjoyment of all inalienable rights derived from the inherent dignity of all human beings,

Recalling also that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling further the world commitment to eradicate poverty and to promote sustained economic growth, sustainable development and global prosperity for all, and the need to reduce inequalities within and among countries,

Recalling the importance of the prevention of armed conflict in accordance with the purposes and principles of the Charter and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world,

Recalling also that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women, on equal terms with men in all fields,

Reaffirming that, since wars begin in the minds of human beings, it is in the minds of human beings that the defence of peace must be constructed, and recalling the importance of the settlement of disputes or conflicts through peaceful means,

Recalling the need for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs,

Recalling also that development assistance and capacity-building based on the principle of national ownership in post-conflict situations should restore peace through rehabilitation, reintegration and reconciliation processes involving all those engaged, and recognizing the importance of the peacemaking, peacekeeping and peacebuilding activities of the United Nations for the global pursuit of peace and security,

Recalling further that the culture of peace and the education of humanity for justice, liberty and peace are indispensable to the dignity of human beings and constitute a duty that all nations must fulfil in a spirit of mutual assistance and concern,

Reaffirming that the culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life, as identified in the Declaration on a Culture of

Peace, and that all this should be fostered by an enabling national and international environment conducive to peace,

Recognizing the importance of moderation and tolerance as values contributing to the promotion of peace and security,

Recognizing also the important contribution that civil society organizations can make in building and preserving peace, and in strengthening a culture of peace,

Stressing the need for States, the United Nations system and other relevant international organizations to allocate resources to programmes aimed at strengthening a culture of peace and upholding human rights awareness through training, teaching and education,

Stressing also the importance of the contribution of the United Nations Declaration on Human Rights Education and Training[17] to the promotion of a culture of peace,

Recalling that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding, are among the best guarantees of international peace and security,

Recalling also that tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human, and the virtue that makes peace possible and contributes to the promotion of a culture of peace,

Recalling further that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of a society as a whole and within a democratic framework based on the rule of law would contribute to the strengthening of friendship, cooperation and peace among peoples and States,

Recalling the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts,

Inviting solemnly all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace; to that end, present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war,

[17] General Assembly resolution 66/137, annex.

Declares the following:

Article 1

Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.

Article 2

States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies.

Article 3

States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the present Declaration, in particular the United Nations Educational, Scientific and Cultural Organization. International, regional, national and local organizations and civil society are encouraged to support and assist in the implementation of the present Declaration.

Article 4

International and national institutions of education for peace shall be promoted in order to strengthen among all human beings the spirit of tolerance, dialogue, cooperation and solidarity. To this end, the University for Peace should contribute to the great universal task of educating for peace by engaging in teaching, research, post-graduate training and dissemination of knowledge.

Article 5

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in the present Declaration are to be understood in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international and regional instruments ratified by States.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Ecuador, El Salvador, Eritrea, India, Mauritania, Namibia, Nicaragua, Pakistan, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Viet Nam: draft resolution

Promotion of a democratic and equitable international order

The General Assembly,

Recalling its previous resolutions on the promotion of a democratic and equitable international order, including resolution 70/149 of 17 December 2015, and Human Rights Council resolutions 18/6 of 29 September 2011[1] and 33/3 of 29 September 2016,[2]

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law, as set forth in Articles 1 and 2 of the Charter, and with full respect for, inter alia, sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[2] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53/Add.1), chap. II.

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Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[1] can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good-neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,

Concerned about the continued abuse by Member States of the extraterritorial application of their national legislation in a manner that affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening

[1] Resolution 217 A (III).

the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Deeply concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of, technology transfer to and capacity-building in developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Recalling Human Rights Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of

the Council of 18 June 2007,[4] and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Emphasizing the importance of the 2030 Agenda for Sustainable Development for the promotion of a democratic and equitable international order,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Takes note* of the report of the Independent Expert of the Human Rights Council on the promotion of a democratic and equitable international order,[5] and notes in this regard its focus on the impact of taxation on human rights and the challenges posed to the international order by widespread tax avoidance, tax evasion, tax fraud and profit shifting, facilitated by bank secrecy and a web of shell companies registered in tax havens;

4. *Calls upon* all Member States to fulfil their commitment expressed in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity,[6] and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

5. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

6. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

[4] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[5] A/71/286.

[6] See A/CONF.189/12 and Corr.1, chap. I.

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, which should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms for all;

9. *Reaffirms*, among other principles, the sovereign equality of States, non-intervention and non-interference in internal affairs;

10. *Urges* all actors on the international scene to build an international order based on inclusion, social justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

11. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

12. *Underlines* that attempts to overthrow legitimate Governments by force disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights;

13. *Reaffirms* the need to continue working urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations, in accordance with relevant previous General Assembly resolutions, programmes of action and major conferences and summits in the economic, social and related areas;

14. *Also reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

15. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

16. *Affirms* that a democratic and equitable international order, as prescribed in the Charter of the United Nations, cannot be achieved through the deregulation of trade, markets and financial services;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

18. *Calls upon* all Governments to cooperate with and assist the Independent Expert in his task, to supply all necessary information requested by him and to consider responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate more effectively;

19. *Requests* the Human Rights Council, the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the special mechanisms extended by the Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

20. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

21. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

22. *Requests* the Independent Expert to submit to the General Assembly at its seventy-second session an interim report on the implementation of the present resolution and to continue his research into the impact of financial and economic policies pursued by international organizations and other institutions on a democratic and equitable international order, in particular by the World Bank and the International Monetary Fund;

23. *Decides* to continue consideration of the matter at its seventy-second session under the item entitled "Promotion and protection of human rights".